

TO:

MEMORANDUM

DATE: October 7, 2009

For October 22, 2009 Hearing

Ernie Duarte

Planning & Development

Services Director

SUBJECT: REZONING LAND USE PLANNING & DEVELOPMENT SERVICES REPORT

C9-09-10 QuickTrip – Ajo Way, R-3 to C-2 (Ward 1)

Issue - This is a request by Linda Morales of the Planning Center, on behalf of the property Trustee, Andy Briefer of the Security Agency of Arizona, to rezone approximately 5.6 acres from R-3 to C-2 zoning. The rezoning site is located on the south side of Ajo Way, east of Mission Road between Phoebe and Pandora Avenues (see Case Location Map). The preliminary development plan proposes a convenience store/gas station, automated car wash and auto parts sales and service center.

Planning & Development Services Recommendation - The Planning & Development Services Department recommends approval of C-2 zoning, subject to the attached preliminary conditions.

Background Information

Peter M. Gavin

Zoning Examiner

Existing Land Use: Vacant

Surrounding Zones and Land Uses:

North: Zoned C-1; Neighborhood Commercial

South: Zoned R-3; Apartment complex

East: Zoned R-1/C-2; Single family residential/Vacant

West: Zoned R-1; Elementary School

Previous Cases on the Property:

C9-71-26 Brown - Ajo Way, R-1 to R-2/B-1 This was a request rezone 18 acres to allow the development of commercial and residential uses on the south side of Ajo Way between the Freedom Drive alignment and Pandora Avenue. On December 18, 1972, Mayor and Council adopted Ordinance No. 3961. The conditions were not met and the case was closed on March 13, 1974.

C9-04-19 P & L Group - Ajo way, R-1 to R-3 This was a request to rezone approximately six acres to allow the development of 150 apartments on the site. The information submitted with the request was determined to be incomplete and the case was closed on November 17, 2004.

<u>C9-05-04 P & L Group – Ajo Way, R-1 to R-3</u> This was a request to rezone approximately 6.12 acres to allow the development of 150 one- and two-story apartments, including 118 two-bedroom and 32 three-bedroom units in 22 structures. On July 10, 2007 the Mayor and Council adopted Ordinance No. 10433 rezoning the site from R-1 to R-3, conditions were met on August 8, 2008, and the case was closed on September 9, 2008.

Related Cases:

<u>C9-81-63 Struble – Ajo Way, R-1 to B-2</u> This was a rezoning request to allow the construction of an automotive repair center on 5.22 acres located on the south side of Ajo Way between Pandora Avenue and Valley Road. On February 10, 1997, Mayor and Council adopted Ordinance No. 8823 and on March 20, 1997, building permit number T97CM00432 was issued effectuating the requested zoning.

<u>Applicant's Request</u> – The applicant proposes to rezone 5.60 acres from R-3 to C-2 zoning to allow the construction of a convenience store/gas station, automated car wash and auto parts sales and service center.

Planning Considerations

The site is within the boundaries of the Santa Cruz Area Plan and the General Plan. Both Plans have policies that protect established residential neighborhoods by supporting compatible development.

The rezoning site is located within Key Parcel 5. Key Parcel 5 land use policy supports vacant land fronting on Ajo Way as appropriate for commercial uses. The Santa Cruz Area Plan, under General Development Policy 6 states that street and pedestrian improvements should be made in conjunction with new development to increase accessibility to the overall area and facilitate linkages between neighborhoods and services. In addition, General Development Policy 7 states that new development within or near existing neighborhoods should be designed and scaled to be compatible with existing neighborhood characteristics.

General Plan policies promote development of commercial uses in the urbanized area, to promote use and improvement of infrastructure, and to meet residents' need for goods and services in a cost-effective and equitable manner. The General Plan also encourages the use of pedestrian facilities that are direct, safe, comfortable and aesthetically pleasing. The rezoning proposal is generally consistent with the policy direction provided in the Santa Cruz Area Plan and the General Plan.

The 5.6-acre site lies along the south side of Ajo Way between Pandora Avenue (a public street) and Phoebe Avenue (a private street). Primary access to the site is proposed from Ajo Way (State Route 86), which is identified in the *Major Streets and Routes Plan* map as a Gateway Arterial having an existing and proposed right-of-way width of 120 feet. The project also

proposes two additional access points from Pandora Avenue, a public local street with a 25 mph speed limit and a right-of-way of between 50 and 56 feet. The southernmost of these proposed access points on Pandora Avenue aligns with Laporte Lane. Laporte Lane is a local street within the Rancho Rio residential subdivision.

The surrounding land uses and zones include: to the north across Ajo Way are neighborhood commercial uses zoned C-1, to the east across Pandora Avenue is a vacant lot zoned C-2 and single-family residential development zoned R-1, to the south is an apartment complex zoned R-3, and to the west across Phoebe Avenue is Lynn Urquides Elementary School zoned R-1.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 3,668 vehicle trips per day. There is an existing bus stop and shelter located approximately 100 feet from the Ajo Way and Holiday Isle intersection that will remain. Field inspection by staff indicates there are currently no billboards on the rezoning site.

Design Considerations

<u>Land Use Compatibility</u> – The site is located on Ajo Way a state highway r near an interchange with Interstate-19, a direct route to Mexico which also intercepts with Interstate-10, a direct route to eastern and northern Arizona. Commercial zoning is appropriate at this location provided compatibility is addressed. Issues such as building heights, hours of operation, building setbacks, and appropriate scale and mass to complement surrounding land uses, are important site design elements. The proposed height at thirty (30) feet for the convenience store and the automotive service and twenty five (25) feet for the self-service car wash along the eastern edge of the site are compatible with surrounding uses.

Design – The convenience store and gas island was identified in the neighborhood meeting minutes as committed development. The minutes also stated that development of lots A and C were not committed developments but will be made available for compatible uses in the C-2 zone, such as automotive services and automatic car wash use. Therefore, staff is making comments on these two optional uses as if they are committed to the site. To be consistent with Plan policies that promote visual character, Development Review staff recommends that the full development site be considered as part of Phase 1 development and recommends that all PAALs, parking spaces, retention basins, perimeter landscaping and walls shown on the preliminary development plan be constructed as part of Phase 1. In addition, it is recommended that those areas destined as buildable pads for lot A and C be temporarily covered with decomposed granite of a neutral color for visual character and dust control. The eastern one-third of the site (Lot C) is nearest to the single-family developed across Pandora Avenue. An automated car wash service is shown on Lot C. Staff recommends activity within the vacuum bay area cease by 9:00 P.M. during the week and 10:00 P.M. weekends. All outdoor lighting should be directed downward, and shielded away from adjacent residences and public and private roadways. recommendation also applies to the gas island lighting on Lot B, where recessed lighting on fixtures and lenses that are flush with the finish ceiling design of the island, are recommended.

There is concern with potential noise impacts generated by the location of the automated car wash area. Mechanical-equipment-generated noises and vehicular stacking for the car wash service is shown adjacent to the east property line, across Pandora Avenue from a single-family residential development. Development Review staff suggests reversing the locations of the automated car wash and retention basin number 2, and leaving the current PAAL between the two. The change will provide additional buffering between low-intensity residential use and a high-intensity use that can create high-noise impacts generated by mechanical equipment, water jets, sprays, soaps etc. This may also improve the on-site vehicular circulation between vehicles exiting the auto wash lanes and those exiting the site using the northeast exit onto Pandora Avenue.

As previously stated, at this time Lot B is the only lot committed for construction and improvements. In reference to the phasing of the site, staff recommends full site improvements be completed with Phase 1, including PAALs and parking areas outside of Lot B. Beyond Lot B parking requirements, paved areas do not need to be stripped with parking spaces until the corresponding use is commenced. According the neighborhood meeting minutes, there is a concern with residential and commercial traffic circulation in the immediate area. Commercial trucks are parking on Pandora Avenue and area residents want to preserve the residential character of Pandora and Phoebe Avenues. In view of the above, staff recommends a one-foot no access easement along the full length of the west property line and the installation of signs along Phoebe Avenue and Pandora Avenue prohibiting commercial vehicles of one-ton and greater from on-street parking. The signs shall be at the developer's expense.

Architectural detailing on the side and rear building facades should incorporate details shown on the front façade. The Design Compatibility Report indicates that exterior façade will be designed with materials, color schemes, and architectural detail that are typical of quality southwestern style buildings. To promote quality in design and enhanced visual character, staff recommends that all exterior mechanical equipment be screened from view from the surrounding land uses and roadways. Loading zones should be a minimum of 50 feet away from residentially-zoned areas to the south and east.

The Department of Environmental Services requires new development to include provisions for both refuse and recycling for each building tenant and user. This can be accomplished with one centralized storage area for both refuse and recycles waste types. As a condition, the Department of Environmental Services is requesting that applicant indicate who will be responsible for the management and maintenance of the solid waste collection service and storage areas. Also, trash dumpsters should be a minimum of 50 feet away from residentially-zoned areas to the south and east.

<u>Drainage/Grading/Vegetation</u> – The site does not lie within a mapped 100-year floodplain nor does it lie within a designated watershed; however, because the site is greater than one acre in size, five-year threshold retention and water harvesting are required. To fulfill the five-year threshold retention, the applicant proposes an on-site drainage design involving a combination of flow

conveyance systems including pavement drainage within parking lots and PAALs and two proposed retention basins, one along the south side of the site and another east of the proposed convenience mart and fuel pumps. The east basin will overflow onto the driveway at the northeast corner of the basin then drain overland to an existing storm drain within Ajo Way. The Ajo Way drain collects drainage from the site and conveys it to the Santa Cruz River. Water harvesting is proposed within the landscape buffer yards around the perimeter of the site and within depressed planter islands within parking areas.

Landscaping and Screening – Landscaping and masonry screen walls are proposed around the perimeter of the site. Retention of existing landscaping is recommended with additional landscape replacement as necessary along Ajo Way, and as approved by the City Engineer. Ajo Way is a Gateway Route where the intent is to upgrade (or maintain) the developed streetscape. The enhanced appearance of Gateway Routes contributes to, and is important to the overall image of Tucson. To promote visual interest, Development Review staff recommends that all screen walls have a decorative design; that the surface texture and colors complement the buildings; and that they be constructed of, or painted with, graffiti-resistant materials. The existing perimeter wall located on the south property line needs to be reconstructed as it has deteriorated. All walls should be of no less than six (6) inch wide masonry material. All canopy trees to be placed within the north one hundred (100) feet of the site should be compatible in height and canopy span at maturity, as it relates to view corridors and business sign(s) view sheds. The owner/developer should provide one canopy tree per every four required parking spaces in the interior of the site.

<u>Vehicular Access/Circulation/Road Improvements</u> —The site contains three access points, one on Ajo Way, and two on Pandora Avenue. The site is within the Tucson Unified School District which does not oppose the rezoning but is requesting that a condition be added in which the owner/developer provide a clear and distinguished striped crosswalk on all driveways, and across Phoebe Avenue and Pandora Avenue, at their respective intersections with Ajo Way. Crosswalk paving should be a different color and texture to provide visual and tactile cues to improve driver and pedestrian safety. Adding the striped crosswalks will enhance pedestrian safety especially when students are walking before and after school. On-site pedestrian paths are shown to connect to Ajo Way, Pandora Avenue, and Phoebe Avenue. *SCAP*, General Development Policy 6, supports direct residential connection to commercial services.

Department of Transportation, Engineering Division requires dedication (or verification of existence) of the right-of-way per the *Major Streets and Routes Plan* along the abutting public roadway frontages. Non-standard curb returns will need to be reconstructed to the standard 25-foot radius returns at both southeast corners of the Ajo Way and Phoebe Avenue, and at the southwest corner of Ajo Way and Pandora Avenue. Closure of any unneeded existing curb cuts will also be required.

The proposed main entrance along Ajo Way is aligned with Holiday Isle Boulevard, a two-lane City of Tucson maintained roadway. There is a traffic signal at the Holiday Isle and Ajo Way intersection with right- and left-hand turn lanes. TDOT Streets and Traffic Engineering Division

staffs state the Ajo Way driveway entrance, as proposed, will extend toward the intersection, thus, becoming part of the signalized intersection. This will require the removal of one of the poles on the northeast corner requiring replacement with a new pole with mast arms for signal indications for the northbound traffic. The other poles and signals at the intersection will need to be modified and/or added to give appropriate indications for this movement. Additional traffic detection cameras will need to be supplied and installed for this movement as well. TDOT Traffic Engineering requires a Traffic Impact Analysis Report be submitted during the review process providing an analysis of any potential off-site improvements.

The City has underground conduit and wires feeding the street lighting system. The required improvements may impact the lighting system possibly requiring additional pull boxes and replacement of wire. Therefore, Streets and Traffic Engineering Division staffs are requesting the owner/developer submit plans for the modification of the signal and any street lighting for review prior to any construction.

<u>Tucson International Airport</u> – The rezoning site is within the Tucson International Airport public disclosure area and traffic pattern airspace, but not within the City of Tucson Airport Environs Zone. The Tucson Airport Authority requests that, prior to the City's approval of the development plan or final plat, whichever occurs first, the property owner should record the Airport Disclosure Statement form that discloses the existence, and operational characteristics of the Tucson International Airport, to future owners or tenants of the property and further conveys the right to the public to lawfully use the airspace above the property.

<u>Conclusion</u> – Staff finds this proposal to be consistent with the <u>Santa Cruz Area</u> Plan and <u>General Plan</u> policies, which support continued neighborhood reinvestment, and promote compatible infill development that is designed to be sensitive to site and neighborhood conditions. Subject to compliance with the attached preliminary conditions, approval of the requested C-2 zoning is appropriate.

s:/rezoning/2009/C9-09-10 sr.doc

PROCEDURAL

- 1. A development plan in substantial compliance with the preliminary development plan dated August 24, 2009, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
 - a. Development shall be phased. Phase 1 shall include all PAALs, parking spaces, retention basins, perimeter landscaping and walls.
- 2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Zoning Amendment".
- 3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Archaeologist. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
- 4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
- 5. "Safe by Design" concepts shall be incorporated in the development plan for review by the Tucson Police Department.
- 6. The owner/developer shall obtain written documentation from the PCRWRD that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner / developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the Pima County Wastewater Management Department.
- 7. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

LAND USE COMPATABILITY

8. To miminize light spillover from commercial enterprises, all outdoor lighting shall be directed downward, and shielded away from adjacent areas and public roadways. Emphasis is placed on the gas island lighting with recessed lighting fixtures and light covers/lens to be flush with the finish ceiling design of the island. Outdoor lights located

- within twenty (20) feet of the south property line shall not exceed fifteen (15) feet in height, and all other pole lights shall not exceed the height of adjacent on-site buildings.
- 9. Automated car wash service use shall use full turn off lighting, (except for security lighting) and power source to vacuum bay service area by 9:00 P.M. during the week and 10:00 P.M. on weekends.
- 10. All buildings shall be designed to have "five-sided" architecture. Building facades at the rear and sides shall have architectural character and detail comparable to the front façade, including but not limited to color palette, non-glare roof material/lines, and exterior materials. A color palette and dimensioned elevation drawings shall be submitted as part of the development plan submittal to demonstrate compliance with this condition.
- 11. All new screen walls visible from a public right-of-way and/or adjacent to existing residential development are to be graffiti-resistant and incorporate one or more visually appealing design treatments, such as the use of two or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments (jog, curve, notch, seback, etc.); and/or trees and shrubs in voids created by the wall variations. A wall detail shall be provided as part of the development plan submittal to demonstrate compliance with this condition.
- 12. Six (6) inch wide masonry block or greater shall be used for perimeter walls.
- 13. All exterior mechanical equipment shall be ground mounted and screened from view from the surrounding properties and public roadways.
- 14. Buildings on Lot A and B shall not exceed thirty (30) feet in height. Buildings on Lot C shall not exceed twenty-five (25) feet in height.
- 15. Reconstruct a solid six (6) foot tall wall along the full length of the south property line with minimum six (6) inch masonry block.
- 16. Prior to development approval of Lot B, provide an option on the development plan to switch locations between the proposed retention basin #2 and the proposed automated car wash area, in order to reduce noise, glare, and lights onto the adjacent single-family development to the east. This exchange of space may also reduce on-site traffic stacking at the northeast exit of the site onto Pandora Avenue.
- 17. Owner/developer to indicate who will be responsible for the management and maintenance of solid waste collection service and storage areas.
- 18. Trash dumpsters and loading zones shall be a minimum of 50 feet away from residentially zoned areas to the south and to the east.
- 19. Undeveloped pads on Lots A & C shall be covered with decomposed granite to control dust.

DRAINAGE/GRADING/VEGETATION

- 20. Retention of existing landscaping and additional landscaping shall be provided as necessary along Ajo Way, as approved by the City Engineer.
- 21. One canopy tree shall be provided within the vehicular use area for every four required motor vehicle parking spaces. Alternatively, the applicant may demonstrate, through a shade pattern analysis, that the shade pattern created by mature canopy trees, buildings and other structures on the vehicular use area (summer months, June or July) during the hours from 9:30 a.m. to 3:30 p.m., shall cover fifty percent of the paved area.
- 22. Preparation of a complete Drainage Report, including details of detention/retention, is required. Should detention/retention be required, the following will apply:
 - a. Each detention/retention basin shall include a sediment trap, or other sediment control measures as approved by the City Engineer, to prevent sedimentation of the detention/retention basin. Each sediment trap, or other sediment control measure, shall have a provision for total drainage.
 - b. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
 - c. Detention/retention basins in or adjacent to the residential area shall be located adjacent to a street or accessible common area. Basin sideslopes in the adjacent area(s) shall be designed and constructed in accordance with the requirements of the Detention/Retention Manual for human activity zones.
 - d. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.
 - e. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.
 - f. All security barriers and screening for detention/retention basins shall meet Safe By Design guidelines.
- 23. Rain water harvesting must be conducted at this site per the requirements in Land Use Code (LUC) sections 3.7.1.1.A, 3.7.4.3.B and 3.7.4.5.B, and Development Standard 10-03.

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

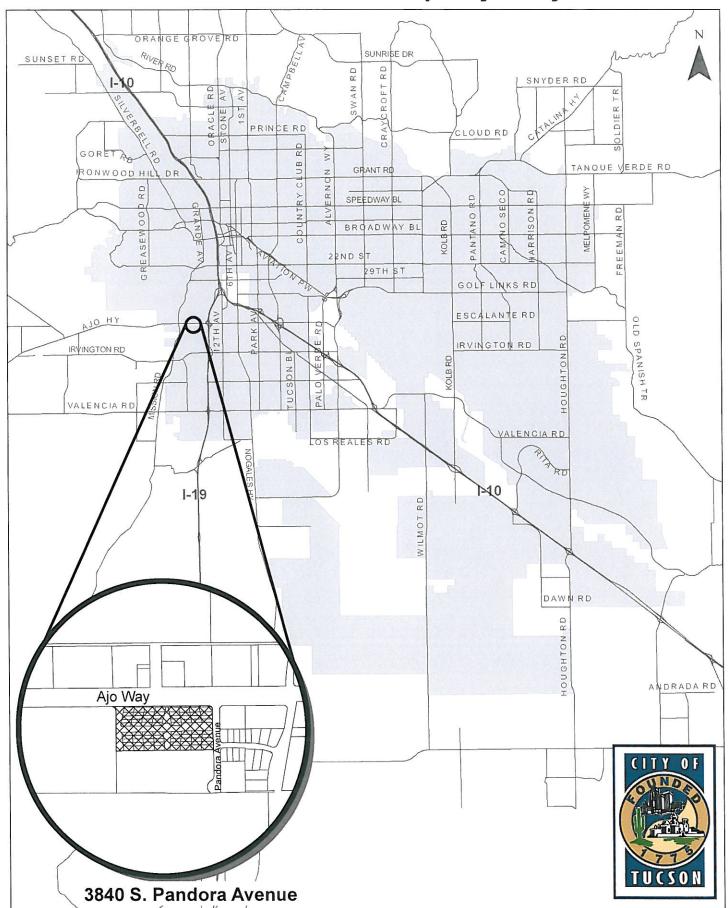
24. As may be approved by the Department of Transportation, Streets Division, place street signs along Phoebe and Pandora Avenues to establish the prohibition of on-street parking

- of commercial vehicles rated for capacity of greater than one-ton. The cost of the signs and installation shall be borne by the owner/developer.
- 25. Access point onto Pandora Avenue located at the southeast corner of the site shall be signed with a "left only" exit signs.
- 26. A one-foot no vehicular access easement shall be granted along the south right-of-way line of Ajo Way, except at designated ingress/egress locations as approved by ADOT and TDOT.
- 27. Prior to development plan approval, record a one-foot no access easement along the full length of the west property line.
- 28. Applicant to provide clear and distinguished striped crosswalks on main site entrance along Ajo Way, both driveways abutting Pandora Avenue and across Phoebe Avenue and Pandora Avenue at their respective intersections with Ajo Way. Crosswalk paving should be a different color and texture to provide visual and tactile cues to improve driver and pedestrian safety. Materials may include but are not limited to; brick, concrete pavers, scored or patterned colored concrete, textured and raised surfaces, or other materials as may be approved by the Planning and Development Services Department staff.
- 29. All pedestrian paths required to cross or occur within PAALs shall be identified clearly and distinguished from vehicular areas by materials such as but not limited to; brick, concrete pavers, scored or patterned colored concrete, textured and raised surfaces, or other materials as may be approved by the Planning and Development Services Department staff.
- 30. Owner/developer shall replace one of the poles on the northeast corner of the Ajo Way entrance and replace pole with mast arms for signal indications for northbound traffic.
- 31. Other existing poles or signals at the intersection of Ajo Way and Holiday Isle Boulevard will need to be modified and/or added to give appropriate indications for traffic movement. Additional cameras for detection will need to be supplied and installed for this movement as well. Owner/developer shall submit plans for the modifications of the signal to TDOT Streets and Traffic Engineering Divisions prior to any construction.
- 32. The required improvements may impact the City's lighting system possibly requiring additional pull boxes and replacement of wire. Owner/Developer shall submit plans for the modifications of the street lighting to TDOT Streets and Traffic Engineering Divisions prior to any construction.
- 33. A Traffic Impact Analysis Report shall be submitted to the TDOT Traffic Engineering Division during the review process providing an analysis of any potential off-site improvements.

- 34. Per TDOT Engineering Division, dedication (or verification of existence) of the right-of-way per the *Major Streets and Routes Plan* along the abutting public roadway frontages shall be required.
- 35. Per TDOT Engineering Division, non-standard curb returns will need to be reconstructed to the standard 25-foot radius returns at both southeast corners of the Ajo Way and Phoebe Avenue, and at the southwest corner of Ajo Way and Pandora Avenue.
- 36. Per TDOT Engineering Division, closure of any unneeded existing curb cuts will be required
- 37. Prior to the City's approval of any building permit, the property owner shall record a disclosure statement. The disclosure statement recognizes the existence, and operational characteristics of the Tucson International Airport and further conveys the right to the public to lawfully use the airspace above the property. The Tucson Airport Authority also asks that the property owner forward a copy of the recorded airport disclosure statement to: Jordan D. Feld, AICP, Director of Planning, Tucson Airport Authority, 7005 S. Plumer, Tucson, AZ 85756

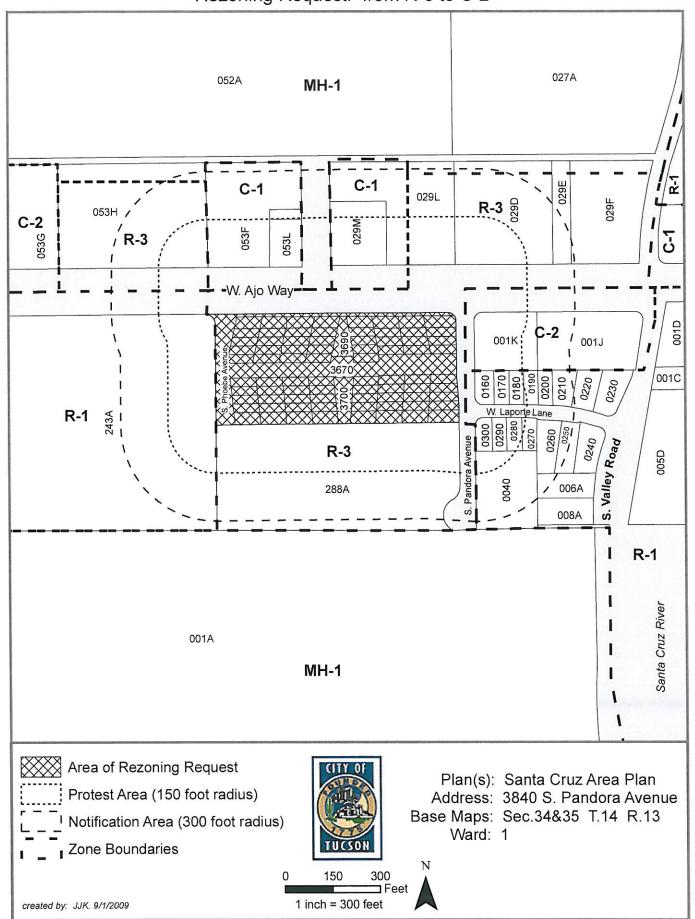
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C9-09-10 Quick Trip - Ajo Way



C9-09-10 Quick Trip - Ajo Way

Rezoning Request: from R-3 to C-2





C9-09-10 Quick Trip - Ajo Way September 2009 Aerial

Place Stamp Here

City of Tucson

Planning and Development Services Department
Rezoning Section
201 N. Stone
P.O. Box 27210
Tucson, Arizona 85726-7210

C9-09-10

Expose this flap - Affix stamp and return



City of Tucson
Planning and Development Services
Department -Rezoning Section
201 N. Stone Avenue
P.O. BOX 27210
Tucson, Arizona 85726-7210

Approval - Protest Form



If you wish to submit a written protest or approval, this form is provided for your convenience. Please print your comments below, sign your name, and mail to the Rezoning Section of the Planning and Development Services Department at the address on the reverse side (you will need to attach postage). The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner's public hearing.

Approvals and protests must have an owner's signature to be recorded.

If protests are filed from property owners representing 20% or more by area in any quadrant of the area located within a 150 foot radius of the parcel(s) on which the rezoning is proposed, an affirmative vote of ¾ of the Mayor and Council will be required to approve the rezoning ordinance.

Case: C9-09-10 QuickTrip - Ajo Way, R-3 to C-2 (Ward 1)					
APPROVE the proposed rezoning. I/We the undersigned property owners, wish to PROTEST the proposed rezoning.					
Reason:					
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			Subdivision	Block	Lot
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Owner's Signature:	Date				